

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

HIGHLAND CAPITAL §
MANAGEMENT, LP., §
Plaintiff, §
§
v. §
§
CITIGROUP GLOBAL MARKETS, §
INC., BABSON CAPITAL §
MANAGEMENT LLC, and THE BANK §
OF NEW YORK MELLON TRUST, §
N.A., §
Defendants. §

NO. 3:12-CV-01100

PLAINTIFF'S NOTICE OF DISMISSAL WITHOUT PREJUDICE

Plaintiff Highland Capital Management, L.P. ("Highland") files its Notice of Dismissal Without Prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i).

1. Plaintiff filed this suit in the 101st District Court of Dallas County on April 5, 2012 against Citigroup Global Markets, Inc. ("CITI"), Babson Capital Management, LLC ("Babson"), and The Bank of New York Mellon Trust Company, National Association ("BONY"). [Dkt. 1, Page ID 3-71]

2. The suit was removed to this Court on April 9, 2012. [Dkt. 1]

3. All Defendants have been served with process, but none has served an answer or motion for summary judgment.

4. This case is not a class action under Federal Rule of Civil Procedure 23, a derivative action under Rule 32.1, or an action related to an unincorporated association under Rule 23.2.

5. A receiver has not been appointed in this case.

6. This case is not governed by any federal statute that requires a court order for dismissal of the case.

7. Plaintiff has not previously dismissed any federal or state court suit based on or including the same claims as those presented in this case.

8. This dismissal is without prejudice.

Dated: June 28, 2012

Respectfully submitted,

McKOOL SMITH P.C.

By: /s/ Lewis LeClair

Lewis LeClair

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**ATTORNEYS FOR PLAINTIFF,
HIGHLAND CAPITAL MANAGEMENT, L.P.**

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing has been served on all counsel of record on this the 28th day of June, 2012 through the CM/ECF system.

/s/ Lewis LeClair

Lewis LeClair